

REMARKS

I. Status of the Claims

Claims 21-37 are pending in the application and were the subject of the office action. Applicants have amended claims 21, 34 and 35 without prejudice. The support for the amendments can be found in the application as filed, for example, on page 2, lines 6-14 of the specification. Applicants request examination and favorable consideration in the view of foregoing amendments and following remarks.

II. Claim rejections

A. Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claims 21-24, 28, 30-32, and 35 as being anticipated by US 6,527,458 to Kim (hereafter "Kim"). Applicants, without acquiescing in the Examiner's rejection, have amended independent claims 21 and 35 and believe to have overcome the rejection.

Applicants submit that claims 21 and 35, as amended, are directed to an optical device comprising, amongst other things, an optical component which may move within the enclosure in response to the thermal expansion or contraction of the optical fibers.

Applicants submit that Kim does not disclose an optical device wherein the optical component is movable within the enclosure in response to the thermal expansion or contraction of the optical fibers. In fact, Kim teaches away from movement.

Specifically, Kim discloses that both the laser diode subassembly and photodetector subassembly are "bonded onto" the silicon optical bench. Further, the optical fibers are "fixed" within V-shaped grooves by using an ultraviolet epoxy. (Column 4-5, lines 54-67 and 1-7 respectively.)

Kim further discloses that active components of the optical transceiver are covered with a specially designed case that covers these components thereby "fixing" them to the PCB. (Column 5, lines 44-63). Kim also discloses that silicon gel is applied on the laser diode subassembly and the photodetector subassembly to provide hermetic sealing, and an encapsulant is applied thereon to prevent external moisture absorption.

It is apparent from this disclosure of Kim that the component is fixed and is not free to move in response to the thermal expansion or contraction of the optical fibers. It is therefore evident that Kim does not disclose or anticipate all the limitations of amended claims 21 and 35. Applicants therefore submit that claims 21 and 35 are novel and are in the condition for allowance. Such action is respectfully requested.

B. Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 25 to 29 as being obvious over Kim in view of US patent 5,195,155, US patent 5,299,273, US patent 6,760,098 and US patent 7,168,863. The Examiner has also rejected claim 33 as being obvious over Kim. Further, the Examiner has rejected claim 36 as being obvious over Kim in view of US-2004/240804 and claim 37 over US patent 6,151,338 in view of US patent 5,971,629.

The applicants note that all the claims rejected as being obvious are dependant on the independent claims 21 or 35. The claims further recite additional aspects of the invention. Since, independent claims 21 and 35 are believed to be in condition for allowance, the claims depending on these claims are also deemed to be in the condition for allowance. Applicants therefore will not address the Examiner's rejections of these claims individually, and respectfully request the withdrawal of obviousness rejections, and allowance of these claims.

The Examiner has also rejected independent claim 34 as being obvious over Kim in view of US patent 6,850,461. Applicants, without acquiescing in the Examiner's rejection, believe to have overcome the rejection by amending claim 34. Claim 31 now depends on independent claim 21. Since claim 21 is believed to be in condition for allowance, claim 34 is also deemed to be allowable. Such action is respectfully requested.

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Applicants do not believe that there are any fees associated with the filing of this Response. However, should there be any fees due in connection with this Response the Commissioner is hereby authorized to charge these fees to Baker & Daniels LLP's Deposit Account No. 02-0390.

Respectfully Submitted,

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